

1973 WL 26728 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 3, 1973

**\*1 In Re: Uniform Traffic Tickets, Substitution of Charge.**

Honorable Marion L. Powell  
Recorder  
Aiken Municipal Court  
Post Office Box 321  
Aiken, South Carolina

Dear Judge Powell:

With further reference to the matter of traffic charges made on uniform traffic tickets in which the initial charge made by the arresting officer is dropped and another charge substituted in lieu thereof by your City Prosecuting Attorney, your letter of May 2, 1973, has been discussed in detail with Highway Department authorities responsible for the issuance of and accounting for such tickets.

It is the feeling of the Department, after consultation with this Office, that no uniform traffic ticket that has been altered by anyone should be accepted by the Department for accounting purposes or for notification purposes. Although, argued, it would be lawful, technically, for the prosecuting attorney or the arresting officer to strike out one charge to a uniform traffic ticket and substitute another charge therefore, both this Office and the Department feel that such a procedure is too susceptible of abuses, and that, in fact, it is not in accord with the obvious intent of the General Assembly in providing for a uniform traffic ticket in the first instance.

The Department, upon the advice of this Office, requests that when the original charge is dropped upon lawful authority and another charge substituted therefore, the arresting officer not ~~pros~~ the original ticket and write another ticket making the second charge, and that he refer on the not ~~prossed~~ ticket to the number of the second ticket. In this way, proper accounting can be made for both tickets.

Thank you for your interest in this problem.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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